**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928**

**WP(C).No. 3308 of 2004(R)**

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**PETITIONER:**

**T.M.VARGHESE,**
**WORKER GRADE-I, IDAMALAYAR IRRIGATION PROJECT, DN.NO.1, ANGAMALI SECTION 1/2, ANGAMALI, ERNAKULAM.**

**BY ADV. SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR)**

**RESPONDENTS:**

1. **STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM..**
2. **THE EXECUTIVE ENGINEER, IDAMALAYAR IRRIGATION PROJECT DIOVISION, ANGAMALI.**
3. **THE ASSISTANT EXECUTIVE ENGINEER, EDAMALAYAR IRRIGATION PROJECT DIVISION, SUB DIVISION NO.2, ANGAMALI.**
4. **THE ASSISTANT ENGINEER, EDAMALAYAR IRRIGATION PROJECT SECTION NO.1/2, ANGAMALI.**

**BY GOVERNMENT PLEADER SMT. LATHA THANKAPPAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.C NO.3308/2004**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE ORDER OF THE 1ST RESPONDENT BEARING NO.E1-1757/91 DT.28.9.99.**

**EXT.P2:- COPY OF THE ORDER OF THE 3RD RESPONDENT BEARING NO.A1-593/93 DT.26.6.2000.**

**EXT.P3:- COPY OF THE DETAILS OF the JOURNEY IN THE PETITIONER'S LOG BOOK IN THE MONTH OF JANUARY 2003.**

**EXT.P4:- COPY OF THE ORDER OF THE 2ND RESPONDENT NO.E1-10/2000 DT.27.1.03.**

**/TRUE COPY/**

**tss**

**KURIAN JOSEPH, J.**

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**W.P.(C) No.3308 of 2004**

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**Dated 26th February, 2007.**

**J U D G M E N T**

The writ petition is filed mainly with the following prayers :-

> (i) "Issue a writ of mandamus or any other appropriate writ, order or direction, declaring that the petitioner is entitled for the post of Driver under the respondents;
>
> (ii) Issue a writ of certiorari or any other appropriate writ, order or direction to call for the records leading to Ext.P4 order and quash the same.
>
> (iii) Issue a writ of mandamus or any other appropriate writ order or direction, directing the respondents to disburse the salary of the petitioner in the post of Driver during the period discharging his duties."

As per Ext.P1, the Executive Engineer has made it clear that despite his work as driver, he will be entitled to get salary only as Worker Grade II. In Ext.P4, it has been found that even the engagement as driver temporarily is against rules since the petitioner is not qualified to be appointed under the rules and since the method of appointment to the post of driver is not by way of transfer from SLR category. Therefore, there is no merit in the writ petition. It is dismissed.

**KURIAN JOSEPH, JUDGE.**

***tgs***

**KURIAN JOSEPH, J**

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**O.P.No.  of  2002**

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**J U D G M E N T**

**Dated 26th  February,  2007.**